U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 June 2003

CASE NO.: 2001-LHC-01766

OWCP NO.: 01-140004

In the Matter of

CHARLES R. GRANT
Claimant

v.

ELECTRIC BOAT CORPORATION
Self-Insured Employer

and

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS
Party-in-Interest

Appearances:

Scott N. Roberts, Esquire, Groton, Connecticut,
for the Claimant

G. Brian Shontz, Esquire, Norwell, Massachusetts,
for the Employer

Before: Daniel F. Sutton
Administrative Law Judge

DECISION AND ORDER AWARDING BENEFITS AND SPECIAL FUND RELIEF

I. Statement of the Case

This proceeding arises from a claim for worker's compensation benefits filed by Charles R. Grant (the Claimant), a former shipyard worker, against the Electric Boat Corporation (the Employer) under the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C.

§ 901, *et seq*. (the Act). After an informal conference before the District Director of the Department of Labor's Office of Workers' Compensation Programs (OWCP), the matter was transferred to the Office of Administrative Law Judges (OALJ) for a formal hearing which was conducted before me in New London, Connecticut on February 25, 2002. The hearing afforded all parties an opportunity to present evidence and oral argument. The Claimant appeared at the hearing represented by counsel, and an appearance was made by counsel on behalf of the Employer. The Claimant testified at the hearing, and documentary evidence was admitted without objection as Claimant's Exhibits ("CX") 1-7 and Employer's Exhibits ("EX") 1-14. Hearing Transcript ("TR") 9-11. The parties's attorneys presented their arguments on the record, and the record was closed.

After careful analysis of the evidence contained in the record and consideration of the parties' arguments, I conclude that the Claimant is entitled to an award of total disability compensation, interest on unpaid compensation, medical care and attorney's fees. I further conclude that the Employer is entitled to a credit for past voluntary compensation payments and liability relief from the Special Fund. My findings of fact and conclusions of law are set forth below.

II. Stipulations and Issues Presented

At the hearing, the parties stipulated that: (1) the Claimant suffered an injury that arose out of and in the course of his employment with the Employer; (2) there was an employer-employee relationship at the time of the injury; (3) the Employer was timely notified of the injury, and the claim was timely controverted by the Employer; (4) the Employer has paid the Claimant continuing disability and medical benefits; (5) the applicable average weekly wage is $727.71 with a compensation rate of $485.14; (6) the date of maximum medical improvement is July 1, 1998; and (7) an informal conference was conducted on March 14, 2001. TR 7-8. The parties' stipulations are supported by the evidence of record, and I adopt them as my findings.

The parties have further agreed that the sole issues presented for adjudication are (1) the nature and extent of the Claimant's disability and (2) whether the Employer is entitled to liability relief from the Special Fund pursuant to section 8(f) of the Act. TR 9.

III. Findings of Fact and Conclusions of Law

A. Background

The Claimant was born on July 22, 1934 which made him 67 years old at the time of the hearing. He is married with no minor children. He left school after the eighth grade to work on a farm and never obtained a GED or completed any further formal education. TR 17-18.

In December 1976, the Claimant went to work as a shipfitter at the Employer's shipyard in Groton, Connecticut. TR 18-19. In this position, the Claimant read prints, cut materials and

supervised construction work in the shipyard. He further testified that this work involved a lot of heavy lifting. TR.19. He spent the first ten years with the Employer working mostly in the "wet docks" and was transferred to the 'south yard" after sustaining an injury. TR 19. The wet docks where he first worked were located in the Thames River and were used for submarines. TR 38. The south yard is located to the south of the wet docks area, near the river, and is used for the fabrication of parts used aboard the submarines under construction or repair. TR 39-40.

The Claimant tore cartilage in his left knee in 1984 but was able to return to work without restriction after surgery. TR 33. He suffered another injury at work in 1986 when he fell on a deck while working in the wet docks and injured his right knee after catching his foot on a piece of plywood. TR 19-20. He underwent surgery and was out of work for approximately eight months before he returned to the south yard with restrictions against crawling, squatting, climbing and lifting more than 40 pounds. TR 20. His job in the south yard was a light duty assignment as a shipfitter, and he testified that he was able to perform the duties of this position. TR 21.

The Claimant's second injury occurred on October 16, 1996 when he caught his foot and fell down an incline, injuring his right knee and shoulder. TR 21-22, 28. He continued to work until April 19, 1997 when he went out to begin a course of treatment for his shoulder and knee injuries. TR 28-29. The Claimant was laid off by the Employer in August 1997, and he has been on temporary total disability compensation since that time. TR 14, 29-30; CX 2.

The Claimant underwent shoulder surgery in April 1997 and had multiple operative procedures on his right knee including a total knee replacement in February 1998 and subsequent kneecap release procedure in September 2000. TR 22-23; CX 4, 6. The Claimant testified that he considers his last knee surgery to have been a failure because his kneecap rubs and still swells. TR 23-24. He stated that his level of exercise has been reduced due the knee injury. TR 25. He finds that walking between one half and three quarters of a mile aggravates his knee pain and that walking down an incline or stairs is especially difficult. TR 25. He even sold his house because he was having too much difficulty climbing stairs. TR 25-26. His right shoulder is tolerable if he does not use it, but lifting and repetitive motions such as hammering aggravate his shoulder symptoms. TR 26.

He testified that he could not return to the light duty shipfitter job that he had before the second injury because that job required too much lifting and standing. TR 27. He has been collecting Social Security retirement benefits since he turned 65, and he also draws a pension from the Employer. TR 27. He said that he hasn't really looked for work because he is not trained for anything other than shipfitting. TR 28. His last knee surgery was the release procedure which was performed in September 2000. TR 34-35. He testified that he obtained no relief from this procedure and that his physicians have not recommended any further surgery. TR 35. The Claimant stated that the second knee injury made his condition worse, that he has not experienced any improvement since 1998 and that he agreed with Dr. Willetts that he reached a point of maximum medical improvement in July 1998 following his most recent knee surgery. TR. 36-37.

B. Nature and Extent of the Claimant's Disability

Disability is generally addressed in terms of its nature, temporary or permanent, and its degree or extent, partial or total. *Stevens v. Director, OWCP*, 909 F.2d 1256, 1259 (9th Cir.1990), *cert. denied*, 498 U.S. 1073 (1991). The Claimant contends that he is permanently and totally disabled. TR 14.

1. Nature of Disability – Temporary or Permanent?

To be considered permanent, a disability need not be eternal or everlasting; it is sufficient that the "condition has continued for a lengthy period, and it appears to be of lasting or indefinite duration, as distinguished from one in which recovery merely awaits a normal healing period." *Air America, Inc. v. Director, OWCP*, 597 F.2d 773, 781 (1st Cir. 1979), citing *Watson v. Gulf Stevedoring Corp.*, 400 F.2d 649, 654 (5th Cir. 1968); *Stevens v. Lockheed Shipbuilding Co.*, 22 BRBS 155, 157 (1989). The traditional measure for determining whether a disability is temporary or permanent is whether the medical evidence establishes that the injured worker has reached maximum medical improvement. *Seidel v. General Dynamics Corp.*, 22 BRBS 403, 407 (1989).

As discussed above, the parties stipulated that July 1, 1998 is the date of maximum medical improvement, and I have adopted their stipulation as supported by the record. Specifically, the medical evidence shows that following the October 16, 1996 injuries to the right shoulder and right knee, the Claimant underwent shoulder surgery in April 1997 and knee surgeries in August 1997 (partial right menisectomy and chondroplasty), February 1998 (total right knee arthroplasty) and September 2000 (right knee arthroscopic debridement and lateral retinacular release). CX 4, 6. He was evaluated both before and after the two most recent knee operations by Philo T. Willets, Jr., M.D., a board-certified orthopedic surgeon who concluded, after reviewing the Claimant's medical history and records, that he had reached a point of maximum medical improvement from the October 16, 1996 injuries by July 1, 1998, four months after the total knee replacement. EX 1 at 8. Dr. Willetts's opinion is consistent with the Claimant's testimony that his condition has not improved since 1998 and that he obtained no improvement from the September 2000 surgery. Therefore, based on the parties' stipulation, which is supported by substantial evidence, I find that any disability suffered by the Claimant has been permanent in nature since July 1, 1998.

2. Extent of Disability – Total or Partial?

As in any case where a worker seeks disability compensation that is not provided for in the permanent partial disability compensation provisions set forth in section 8(c)(1) - (20) of the Act,[1]

[1] Sections 8(c)(1) - (20) establish minimum levels of compensation to which an injured worker employee is automatically entitled without any proof of actual loss of wage-earning capacity. *See Travelers Ins. Co. v. Cardillo*, 225 F.2d 137, 143 (2d Cir.1955), *cert. denied*, 350 U.S. 913 (1955).

the Claimant has the initial burden of proving that he can not return to his usual employment which is defined as the regular duties that he was performing at the time of injury. *Elliott v. C & P Telephone Co.*, 16 BRBS 89, 91 (1984); *Ramirez v. Vessel Jeanne Lou, Inc*., 14 BRBS 689, 693 (1982). At the time of October 16, 1996 injuries, the Claimant was working in a light duty shipfitter assignment in the Employer's south yard. While this assignment was less physically demanding than the Claimant's pre-injury shipfitter job in the wet docks, it still required lifting, walking and standing. The Claimant testified that he would not be able to perform even the light duty assignment in the south yard since the October 16, 1986 accident, and his testimony is supported by the medical opinion from Dr. Willetts who stated that he cannot return to the essential duties as a shipfitter and is limited to sedentary employment. EX 1 at 9. Based on this evidence, I find that the Claimant has met his *prima facie* burden of establishing that he cannot return to his usual employment.

Since the Claimant has established that he is unable to return to his usual employment because of his work-related injuries, the burden shifts to the Employer to demonstrate the availability of suitable alternative employment or realistic job opportunities which the Claimant is capable of performing and which he could secure if he diligently tried. *Palombo v. Director, OWCP*, 937 F.2d 70, 73 (2nd Cir. 1991). The Employer has not offered any light duty work to the Claimant since he stopped working on April 19, 1997, and it has offered no evidence that there is any suitable alternative employment realistically available to the Claimant. Moreover, the Claimant has offered an uncontradicted vocational assessment that based on his physical limitations, age, education and experience, he is unemployable. CX 7. On this record, I find that the Employer has not met its burden of demonstrating the availability of suitable alternative employment which entitles the Claimant to a finding of total disability. *American Stevedores v. Salzano*, 538 F.2d 933, 935-36 (2d Cir. 1976). His total disability was temporary from April 19, 1997 to June 30, 1998, and it has been permanent from July 1, 1998 to the present time.

C. Amount of Compensation Due and Employer Credits

Pursuant to section 8 of the Act, the amount of the Claimant's disability compensation is calculated from his average weekly wage. 33 U.S.C. § 908. In cases involving a traumatic injury, the average weekly wage is calculated as of the time of injury for which compensation is claimed. 33 U.S.C. § 910; *Merrill v. Todd Pacific Shipyards Corp.*, 25 BRBS 140, 149 (1991). The parties have stipulated that the applicable average weekly wage is $727.71. Based on my finding that the Claimant was under a temporary total disability from April 19, 1997 through June 30, 1998, he is entitled to an award of temporary total disability compensation at the two-thirds compensation rate of $485.14 for this period. 33 U.S.C. § 908(b). Since the Claimant has been permanently and totally disabled since July 1, 1998, I further find that he is entitled to an award of permanent total disability compensation from that date forward at the weekly rate of $485.14. 33 U.S.C. § 908(a).

Since the parties have stipulated that the Employer has previously paid periods of temporary total disability compensation, I find that the Employer is entitled to a credit in the amount of its prior compensation payments pursuant to section 14(j) of the Act. *Balzer v. General Dynamics Corp.*, 22 BRBS 447, 451 (1989), *aff'd on reconsideration*, 23 BRBS 241 (1990).

D. Entitlement to Special Fund Relief

Section 8(f) of the Act limits an employer's liability for permanent partial, permanent total disability and death benefits to a period of 104 weeks, after which compensation liability is assumed by a Special Fund established pursuant to 33 U.S.C. § 944, when the disability or death is not due solely to the injury which is the subject of the claim. 33 U.S.C. § 908(f); *Lawson v. Suwanee Fruit & Steamship Co.*, 336 U.S. 198, 200 (1949). To avail itself of relief under this provision, an employer or insurance carrier must file an application with the District Director (formerly the Deputy Commissioner) of the Department of Labor's Office of Worker's Compensation Programs (OWCP) pursuant to section 8(f)(3) which, as amended, provides:

> Any request, filed after September 28, 1984, for apportionment of liability to the special fund established under section 944 of this title for the payment of compensation benefits, and a statement of the grounds therefore, shall be presented to the deputy commissioner prior to the consideration of the claim by the deputy commissioner. Failure to present such request prior to such consideration shall be an absolute defense to the special fund's liability for the payment of any benefits in connection with such claim, unless the employer could not have reasonably anticipated the liability of the special fund prior to the issuance of a compensation order.

33 U.S.C. § 908(f)(3). The record shows that the Employer submitted an application for Special Fund relief while the claim was pending before the District Director who was unable to make a determination. (Administrative Law Judge Exhibit "ALJX") 1. The OWCP has not raised the section 8(f)(3) absolute defense to Employer's application. *Cf. Tennant v. General Dynamics Corp.*, 26 BRBS 103, 107 (1992) (where the absolute defense is asserted, the administrative law judge can not consider the merits of the employer's section 8(f) application before initially considering whether the request submitted to the district director was sufficiently documented as required by 20 C.F.R. § 702.321). Accordingly, I will turn to the merits of the application.

In addition to timely filing a sufficiently documented application, an employer in a permanent total disability case must meet three requirements to avail itself of section 8(f) relief: (1) the employee must have has a pre-existing permanent partial disability; (2) the pre-existing disability must have been manifest to the Employer; and (3) the employee's permanent total disability must not be solely due to the subsequent injury. *Director, OWCP v. General Dynamics Corp.*, 982 F.2d 790, 793 (2nd Cir. 1992); *Director, OWCP v. Luccitelli*, 964 F.2d 1303, 1305

(2nd Cir. 1992). Based on the evidence of record, I find that the Employer satisfies all three criteria.

With regard to the presence of a pre-existing permanent partial disability, the record shows that the Claimant suffered a work-related right knee injury in 1986 that required surgery. Two years after the surgery, the Claimant's treating orthopedic surgeon, Martin L. Karno, M.D., reported that he had reached a point of maximum medical improvement from the knee injury and had permanent physical restrictions on bending, squatting, stooping, crawling, climbing, kneeling and lifting more than 30 pounds. ALJX 3 at 3. Dr. Karno also concluded that the Claimant had a ten percent permanent partial disability as a result of this injury, and the Employer paid him benefits under section 8(c)(2). *Id.* at 2, 5. More importantly, the Claimant's permanent limitations were such that he was unable to return to work in his pre-injury job as a shipfitter in the wet docks and had to be reassigned to a light duty position in the south yard where he remained until the second right knee injury in October 1996. Although there is no evidence that the Claimant suffered any loss in pay because of his restrictions, "disability" for section 8(f) purposes encompasses not only those cases where a worker suffers an economic loss or fits within a statutory definition of disability, but those situations where an employee has "such a serious physical disability in fact that a cautious employer would have been motivated to discharge the handicapped employee because of a greatly increased risk of employment-related accident and compensation liability." *C & P Tel. Co v. Director, OWCP*, 564 F.2d 503, 513 (D.C. Cir. 1977); *Preziosi v. Controlled Industries.*, 22 BRBS 468, 473 (1989). Since the record shows that the Claimant suffered from significant physical restrictions that adversely affected his ability to work before he suffered the compensable injuries on October 16, 1996, I find that the Employer has established that he had a pre-existing permanent partial disability within the meaning of section 8(f).

Regarding the manifest requirement, "[i]t is well established that a pre-existing disability will meet the manifest requirement of Section 8(f) if prior to the subsequent injury, employer had actual knowledge of the pre-existing condition or there were medical records in existence prior to the subsequent injury from which the condition was objectively determinable." *Esposito v. Bay Container Repair Co.*, 30 BRBS 67, 68 (1996). Given the evidence that the Employer received the permanent restrictions and impairment rating from Dr. Karno, reassigned the Claimant to light duty based on Dr. Karno's reports and paid the Claimant permanent partial disability compensation, I find that the Claimant's pre-existing disability was manifest.

Finally, I find that the evidence establishes that the Claimant's work-related injuries of October 16, 1996 are not the sole cause of his total disability. Dr. Willetts, who examined the Claimant twice and reviewed the medical records, noted that the records reflect that the Claimant had ongoing symptoms in his right knee following the 1986 surgery and that an arthroscopic examination following the October 16, 1996 injury revealed a complete loss of joint space and extensive arthritis. EX 1 at 1, 8. Based on the Claimant's history and the medical evidence, Dr. Willetts concluded that the October 16, 1996 injury aggravated the Claimant's pre-existing right knee condition. *Id*. at 7. He further concluded that the Claimant had a 37% permanent partial impairment of the right knee as a result of both injuries, and he apportioned 20% of this total to the pre-existing disability resulting from the 1986 injury and the remaining 17% to the October

16, 1996 injury. *Id*. at 8. In addition to these opinions from Dr. Willetts, there is substantial evidence in the medical records that the Claimant's October 16, 1996 right knee injury was a relatively minor event which would not have produced the Claimant's total disability in the absence of the pre-existing degenerative arthritis attributed to the prior injury in 1986. Indeed, when the Claimant was first seen on November 21, 1996 by Dr. Balcom, the orthopedic surgeon who performed the right shoulder surgery and the first two knee procedures, he only complained about his shoulder and did not mention his knee. CX 3 at 1. One month later, he did mention the knee, and Dr. Balcom found on examination some subtle articular effusion, non-painful crepitus along the joint lines. His diagnosis at that time was a contusion of the right knee with underlying degenerative arthritis. *Id*. at 2. As Dr. Willetts noted, the arthroscopic procedure in August 1997 disclosed extensive degenerative arthritis which Dr. Balcom described as "bone on bone changes in the patellofemoral joint." *Id*. at 11. These arthritic changes, which are clearly linked by the medical evidence to the prior knee injury in 1986, ultimately necessitated the total knee replacement surgery and the subsequent unsuccessful patellar release procedure that are directly responsible for the Claimant's present total disability. On these facts, I find that the Claimant's October 16, 1996 knee injury is not the sole cause of his total disability.

In view of my finding that the Employer has satisfied the requirements for Special Fund relief under section 8(f) of the Act, its liability for the Claimant's permanent total disability benefits is limited to the maximum period of 104 weeks commencing on July 1, 1998 when the Claimant's disability reached maximum medical improvement and became permanent. 33 U.S.C. § 908(f)(1).

E. Medical Care

An Employer found liable for the payment of compensation is additionally responsible pursuant to section 7(a) of the Act for those medical expenses reasonably and necessarily incurred as a result of a work-related injury. *Colburn v. General Dynamics Corp.*, 21 BRBS 219, 222 (1988). An award of Special Fund relief under section 8(f) does not relieve an employer of its liability for a claimant's medical benefits pursuant to section 7(a). *Barclift v. Newport News Shipbuilding & Dry Dock Co.*, 15 BRBS 418, 421 (1983), *rev'd on other grounds sub nom Director, OWCP v. Newport News Shipbuilding & Dry Dock Co.*, 737 F.2d 1295 (4th Cir. 1984); *Scott v. Rowe Mach. Works*, 9 BRBS 198, 200-01 (1978). The parties have stipulated that the Employer has voluntarily paid for the Claimant's medical care in the past, and the Employer has not disputed its liability for continuing medical care. Accordingly, I will order that the Employer pay for any future medical treatment which may be reasonable and necessary for the Claimant's work-related right knee and right shoulder injuries.

F. Interest on Unpaid Compensation

Although not specifically authorized in the Act, the Benefits Review Board and the Courts have consistently upheld interest awards on past due benefits to ensure that the employee receives the full amount of compensation due. *Strachan Shipping Co. v. Wedemeyer*, 452 F.2d 1225, 1228-30 (5th Cir.1971); *Quave v. Progress Marine*, 912 F.2d 798, 801 (5th Cir.1990), *rehearing*

denied 921 F. 2d 273 (1990), *cert. denied*, 500 U.S. 916 (1991); *Watkins v. Newport News Shipbuilding & Dry Dock Co.*, 8 BRBS 556 (1978), *aff'd in pertinent part and rev'd on other grounds sub nom. Newport News v. Director, OWCP*, 594 F.2d 986 (4th Cir. 1979); *Santos v. General Dynamics Corp.*, 22 BRBS 226 (1989). Interest is due on all unpaid compensation. *Adams v. Newport News Shipbuilding & Dry Dock Co.*, 22 BRBS 78, 84 (1989). The Board has also concluded that inflationary trends in the economy render use of a fixed interest rate inappropriate to further the purpose of making claimant whole, and it has held that interest should be assessed according to the rate employed by the United States District Courts under 28 U.S.C. §1961 (1982) which is the rate periodically changed to reflect the yield on United States Treasury Bills. *Grant v. Portland Stevedoring Company*, 16 BRBS 267, 270 (1984), *modified on reconsideration*, 17 BRBS 20 (1985). My order incorporates 28 U.S.C. §1961 (1982) by reference and provides for its specific administrative application by the District Director. The appropriate rate shall be determined as of the filing date of this Decision and Order with the District Director.

G. Attorney's Fees

Having successfully established his right to compensation and medical benefits, the Claimant is entitled to an award of attorneys' fees under section 28(a) of the Act. *American Stevedores v. Salzano*, 538 F.2d 933, 937 (2nd Cir. 1976); *Ingalls Shipbuilding v Director, OWCP*, 920 F.2d 163, 166 (5th Cir. 1993). In my order, I will allow the Claimant's attorney 30 days from the date this decision and order is filed with the District Director to file a fully supported and fully itemized fee petition as required by 20 C.F.R. §702.132, and the Employer will be granted 15 days from the filing of the fee petition to file any objection.

H. Conclusion

In sum, I have concluded that the Claimant is entitled to an award of (1) temporary total disability compensation which shall be paid by the Employer from April 19, 1997 through June 30, 1998, and (2) permanent total disability compensation which shall be paid by the Employer for a period of 104 weeks, commencing on July 1, 1998, and by the Special Fund pursuant to section 8(f) of the Act after expiration of the Employer's 104 week liability. Since the Employer has previously paid temporary total disability compensation to the Claimant for periods of incapacity after April 19, 1997, I conclude that it is entitled to a credit in the amount of these past voluntary payments pursuant to section 14(j) of the Act. Finally, I have determined that the Employer is liable for reasonable medical care necessitated by the Claimant's work-related injuries, attorney's fees and interest on unpaid compensation.

V. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law and upon the entire record, the following order is entered:

1. The Employer, Electric Boat Corporation, shall pay to the Claimant, Charles R. Grant, temporary total disability compensation pursuant to 33 U.S.C. § 908(b) at the weekly compensation rate of $485.14 from April 19, 1997 through June 30, 1998;

2. The Employer shall pay to the Claimant permanent total disability compensation pursuant to 33 U.S.C. § 908(a) at the weekly compensation rate of $485.14, plus the applicable annual adjustments provided in Section 10 of the Act,[2] commencing July 1, 1998 and continuing thereafter for 104 weeks;

3. The Employer shall be allowed a credit pursuant to 33 U.S.C. § 914(j) in the amount of its prior voluntary payments of temporary total disability compensation;

4. After the cessation of payments by the Employer, continuing permanent total disability compensation benefits shall be paid, pursuant to 33 U.S.C. § 908(f), from the Special Fund established at 33 U.S.C. § 944 until further order;

5. The Employer shall furnish the Claimant with such reasonable, appropriate and necessary medical care and treatment as the Claimant's work-related right knee and right shoulder injuries may require pursuant to 33 U.S.C. § 907;

6. The Employer shall pay to the Claimant interest on any past due compensation benefits at the Treasury Bill rate applicable under 28 U.S.C. § 1961 (1982), computed from the date each payment was originally due until paid;

7. Within 30 days of the filing of this decision and order in the Office of the District Director, OWCP, the Claimant's attorney shall file a fully supported and fully itemized fee petition as required by 20 C.F.R. § 702.132, and the Employer is granted 15 days from the filing of the fee petition to file any objection; and

[2] Annual adjustments pursuant to section 10(f) of the Act are payable on October 1st of each year once a claimant acquires status of permanent total disability. *Phillips v. Marine Concrete Structures, Inc.*, 895 F.2d 1033, 1035 (5th Cir. 1990). Permanent total disability status began in this case on July 1, 1998.

8. All computations of benefits and other calculations provided for in this Order are subject to verification and adjustment by the District Director.

SO ORDERED.

A

DANIEL F. SUTTON
Administrative Law Judge

Boston, Massachusetts
DFS:dmd